

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAY LAUGHLIN,

Plaintiff,

vs.

FHR CORPORATION dba RENO
HILTON, CULINARY UNION,

Defendants.

3:07-CV-0574-ECR (RAM)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Edward C. Reed, Jr., Senior United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

Defendants FHR Corporation and Ed Kastelitz have filed a Motion to Quash (Doc. #10). There has been no opposition.

LR 7-2(d) provides in pertinent part that “The failure of an opposing party to file points and authorities in response to any motion shall constitute to a consent to the granting of the motion.” Since the Plaintiff has filed no opposition to the Defendants’ Motion, the Motion should be granted pursuant to this Rule.

Over and above Plaintiff’s failure to oppose the Motion, it appears that the Motion is meritorious. In this case a Summons issued for and directed to FHR Corporation dba Reno Hilton was served on Defendant Ed Kastelitz. This is insufficient service on Mr. Kastelitz as a Defendant as the Summons was not issued in his name. Since Mr. Kastelitz is neither an “Officer, Managing

1 or General Agent, or . . . other agent authorized by appointment or by law to receive service of
2 process” for FHR Corporation the service on Mr. Kastelitz was invalid as to FHR Corporation.

3 There has been no valid service in this case and Defendants’ Motion to Quash (Doc. #10)
4 should be granted.

5 RECOMMENDATION

6 IT IS HEREBY RECOMMENDED that the District Court enter an Order quashing service
7 in this matter as to Defendants FHR Corporation and Ed Kastelitz.

8 DATED: May 1, 2008.

9 

10 UNITED STATES MAGISTRATE JUDGE